



15N 176/8

PATENT
Attorney Docket No. 05638-0018-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jörg BERNARD *et al.*) Group Art Unit: 1761
)
Application No.: 10/088,602) Examiner: L. Wong
)
Filed: August 23, 2002) Confirmation No.: 6889
)
For: HARD CANDY WITH IMPROVED)
STORAGE STABILITY)

Mail Stop AF
OR
Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the documents listed on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed after a Final Office Action and is accompanied by a fee of \$180.00 as specified under § 1.17(p) and a certification as specified under § 1.97(e).

Each document listed in this Information Disclosure Statement was first cited in a communication from the Japanese Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

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Copies of the listed foreign patent and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form PTO/SB/08.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **CA2 230 682** - This document is believed to be related to the Japanese Patent Application No. **JP11-507243**, cited herein and submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

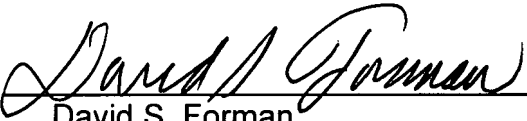
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Information Disclosure
Statement, please charge the fee to Deposit Account No. 06-0916.

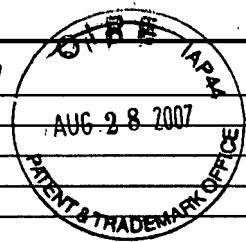
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 28, 2007

By: 
David S. Forman
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/088,602
				Filing Date	August 23, 2002
				First Named Inventor	Jörg BERNARD
				Art Unit	1761
				Examiner Name	L. Wong
Sheet	1	of	1	Attorney Docket Number	05638.0018-00



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		2003/0162726 A1	08/28/2003	Rapp et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		JP11-507243	06/29/1999			Yes
		CA2 230 682	3/26/2002			

NONPATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.